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AT SEATTLE
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DAVID D. THOMPSON,) CASE NO. C05-1995-JLR
)
Plaintiff,)
)
v.) ORDER DENYING PETITIONER'S
) HABEAS PETITION WITHOUT
JAMES SPALDING, et al.,) PREJUDICE
)
Defendants.)

The Court, having reviewed petitioner's petition for writ of habeas corpus, the Report and Recommendation of Mary Alice Theiler, United States Magistrate Judge, and the remaining record, does hereby find and Order:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's habeas petition and this action are DISMISSED, without prejudice;
- and,
- (3) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to Judge Theiler.

DATED this 11th day of October, 2006.



05-CV-01995-ORD

JAMES L. ROBART
United States District Judge

ORDER DENYING PETITIONER'S
HABEAS PETITION WITHOUT PREJUDICE
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